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TO: EXAMINER Mohammad A. SiddiqiEXAMINER'S TELEPHONE NUMBER 571-272-3976ART UNIT 2154SERIAL NO. 09/823,563FROM: Edward W. GoodmanREGISTRATION NO. 28,613PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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Enclosed: Response + Amended Appeal Brief

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Edward W. Goodman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

CAROLYN R. CATAN

PHUS 010154

Serial No.: 09/823,563

Group Art Unit: 2154

Filed: March 31, 2001

Examiner: M.A. Siddiqi

Title: MACHINE READABLE LABEL READER SYSTEM WITH VERSATILE DEFAULT MODE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (37 C.F.R. 41.37) mailed April 7, 2006, enclosed herewith is an amended Appeal Brief in which the section headings have been made identical to that prescribed in 37 C.F.R. 41.37, and the sections (ix) and (x) now appear on separate pages. In addition, section (v) Summary Of Claimed Subject Matter has been amended to include a description of independent claim 13.

Appellant believes that this amended Appeal Brief is now in conformance with 37 C.F.R. 41.37 and respectfully requests acceptance thereof.

Respectfully submitted,

By 
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APR 21 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of Atty. Docket
CAROLYN R. CATAN PHUS 010154
Serial No.: 09/823,563 Group Art Unit: 2154
Filed: March 31, 2001 Examiner: M.A. Siddiqi
MACHINE READABLE LABEL READER SYSTEM WITH VERSATILE DEFAULT MODE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF

This is an appeal from the Examiner of Group 2154 finally rejecting claims 1-3 and 5-17 in this application.

(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors recorded on March 31, 2001, at Reel 011684, Frames 0287-0289.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii) Status of Claims

Claims 1-3 and 5-17 stand finally rejected by the Examiner. Claim 4 has been cancelled.

(iv) Status of Amendments

There was one Amendment filed on September 19, 2005, after final rejection of the claims on August 11, 2005, this Amendment having been entered and considered by the Examiner.

(v) Summary Of Claimed Subject Matter

The subject invention relates to a method and system for reading machine-readable label (MRL) devices and searching resource bases responsive to the context in which the reading took place, provides a default mode that supplies useful options when matching resources cannot be identified from the MRL device or other data. The user is given the option of defining his/her own response and matching template. Alternatively, or in concert, the user may receive a generic response based on a lesser match or a message suggesting the user scan a different MRL device or use a different object associated with the MRL reader.

According to the invention as claimed in claims 1 and 6, such a system comprises "a machine-readable label (MRL) reader with a user interface for reading MRL data from an MRL". This is shown as portable reader 100 and MRL T in Fig. 1 and described in the

specification on page 26, line 21 to page 28, line 12. Further, the invention includes "a resource base having resources". This is shown as, for example, resource base 605 and Internet 601 in Fig. 7, and described in the specification on page 42, line 19 to page 43, line 6. The limitations "at least one processor connected to said MRL reader for receiving MRL data from said MRL, and for controlling and receiving data from said user interface" and "said at least one processor being programmed to generate a query for use in searching said resource base responsively to said MRL data" are shown in Fig. 7, and described in the specification on page 42, line 15 to page 44, line 16 as search 603 and 607. The invention, as claimed, further includes the limitation "said at least one processor being programmed to generate a query to identify at least one resource matching said query and determine a confidence level of said matching". This is shown in Fig. 9, and may be found in the specification on page 53, line 17 to page 54, line 19. The claims 1 limitation "said at least one processor being programmed such that when said confidence level is lower than a predetermined confidence level, said at least one processor receives input from said user interface defining a new resource and stores said new resource in said resource base or another resource base", is shown in Fig. 19, and described in the specification on page 80, line 2 to page 81, line 6. Finally, the claim 6 limitation "wherein said at least one processor is programmed such that when said confidence level is

lower than said predetermined confidence level, said at least one processor identifies a resource not matching said query by substituting a term in said query that identifies one of an object associated with said reader, an object associated with an MRL, or another term and searches responsive to said query for a resource and, upon finding said resource, generates an output responsive thereto", is shown in Fig. 18, and described in the specification on page 77, line 4 to page 79, line 9.

The invention as claimed in claim 13, relates to a method of identifying a resource in a resource base, and includes the limitations "receiving machine-readable label (MRL) data from a MRL device" and "generating a first query having multiple terms including one responsive to said MRL data" which are shown in Fig. 8, and described in the specification on page 45, line 16 to page 53, line 16. The limitation "using said first query to identify at least one resource in a resource base and generate a confidence level of a match between said first query and said at least one resource" is shown in Fig. 18, and described in the specification on page 77, lines 4-9. Finally, the limitation "when said confidence level is lower than a predetermined level, generating a second query in which another term is substituted for one of said multiple terms and using said second query to identify at least one further resource in said resource base and generate a further confidence level of a match between said second query and said at

least one further resource and if said further confidence level is higher than said predetermined level or another predetermined level, generating a message responsive to said resource on a user interface" is shown in Fig. 18, and described in the specification on page 77, line 9 to page 79, line 9.

Claim 16 includes the limitation "when a result of said step of scanning indicates a poor match, outputting to a user-interface, a message suggesting to a user to use a different one of said first and second objects". This is described in the specification on page 77, line 4 to page 78, line 23.

Finally, claim 17 includes the limitation "when a result of said step of scanning indicates a poor match, outputting to a user-interface, identifying a resource matching resources from a resource base based on identifiers corresponding to only one of said first and second objects resulting from said step of scanning". This is described in the specification on page 77, line 4 to page 78, line 23.

(vi) Grounds of Rejection to be Reviewed on Appeal

Whether the invention, as claimed in claims 1-3 and 5-17, is unpatentable, under 35 U.S.C. 103(a), over U.S. Patent 6,615,175 to Gazdzinski in view of "Official Notice".

(vii) Arguments

The Gazdzinski patent discloses a "Smart" elevator system and method, in which reader recognizes RFID tags carried by various passengers, and grants access to particular floors in response to the RFID tag information after password authentication. The elevator system also includes a "Building Directory" function which enables use of voice commands, in combination with keyboard entries, for directing the user to the appropriate floor.

The "Official Notice" is, according to the Examiner, "that both the concept and advantages of providing RFID tag/Smart technology based device can provide scanning from greater distances than bar code scanning (support for the official notice can be found in the back ground of the specification of the instant application, page 2). It would have been an obvious modification to the system disclosed by Gazdzinski to use RFID tag system interface and process information from remotely stored resource base."

A. Claims 1, 6, 13

The subject invention, as claimed in claims 1 and 6, includes the limitation "wherein said at least one processor is programmed such that when said confidence level is lower than said predetermined confidence level, said at least one processor identifies a resource not matching said query by substituting a term in said query that identifies one of an object associated with

said reader, an object associated with an MRL, or another term and searches responsively to said query for a resource and, upon finding said resource, generates an output responsive thereto", and as claimed in claim 13, includes the limitation "when said confidence level is lower than a predetermined level, generating a second query in which another term is substituted for one of said multiple terms and using said second query to identify at least one further resource in said resource base and generate a further confidence level of a match between said second query and said at least one further resource and if said further confidence level is higher than said predetermined level or another predetermined level, generating a message responsive to said resource on a user interface".

The Examiner has indicated that this limitation (which appeared in cancelled claim 4) may be found in Gazdzinski at col. 3, lines 19-43, which states:

"In a second aspect of the invention, the information and control system further includes a network interface that is coupled to the aforementioned input and display devices. In one embodiment, the network (e.g., Internet) interface is configured to provide rapid access to a variety of web sites or URLs of interest, such as those providing local weather, directions from the elevator to local points of interest, stock market quotations, breaking news headlines, etc. Preset functions are provided which enable the user to access, download, and display the desired information with a single actuation of the input device. A plurality of different input/display devices are disposed within the smart elevator to allow multiple occupants to obtain information simultaneously.

"In a third aspect of the invention, the smart elevator includes one or more data terminals which are compatible with personal electronic devices (PEDs) so as to allow an occupant of the elevator to download a predetermined or adaptively determined "package" of data for later retrieval or use. Such data may include news, weather, financial data, listings of building tenants, firm resumes, parking rates, hours of operation, and the like. In one embodiment, the download of data is initiated automatically upon the insertion of the PED into the data terminal, thereby reducing the time necessary to download to a minimum.";

col. 4, lines 5-20, which states:

"In a sixth aspect of the invention, an RFID tag and reader system is employed to uniquely identify occupants and provide them access to certain floors. RFID monitors with limited ranges are placed in certain locations near the elevator access points. These monitors interrogate the RFID tags and initiate a call signal for specific floor during after-hours operation. The user is then required to authenticate via a password input via the input device located inside elevator. The elevator system can optionally notify security (and/or the destination floor) of the individual's destination and identity, and maintain a record of access. The user may also optionally perform other functions such as lighting and environmental control from the elevator. The user's RFID tag may also be programmed to interface with the aforementioned PED data download device such that the tag pre-configures the system for download.";

col. 9, lines 45-67, which states:

"The user will then be prompted again to "Select (floor number) Floor?". If no matching entries are found, the sub-system will either notify the user to this effect, such as by using an audio message such as "NO matches found", or will display or announce the nearest approximation of the query based on a confidence rating. The confidence rating is calculated, for example, by the processor 106 running an algorithm; such confidence rating calculation algorithms are well understood, and indicate the quality of the match using a numeric value or index.

"As used herein, the term "match" includes any predetermined criteria for correlating one piece of data to another. For example, the building directory sub-system may be programmed to consider two pieces of data a "match" when all bits with the exception of the least significant bit (LSB) are identical. Many such criteria are possible, and all are considered to be within the scope of the invention disclosed herein. Furthermore, partial matches, such as when the user enters one word which is matched within several different entries of the directory file, may be used as the basis for an appended search, as described below.

"The directory file described above also optionally has a location graphic data file appended or linked thereto, which...";

and col. 10, lines 1-12, which states:

"...is retrieved from the storage device 108, 110 or the server 170. The location graphic file is displayed on the display device 113 as a floor map graphic 502 illustrating the location of the selected person or firm 504 on that floor in relation to the elevator cars 180, as illustrated in FIG. 5. For example, the location of the individual or firm being sought is illuminated or colored, made to flash, and/or an illuminated arrow 506 is made to point to the desired location from the elevator. Numerous different and well understood visual and audible formats for providing the user with the desired information may be used with equal success, all of which are considered within the scope of the present invention."

Appellant submits that the Examiner is mistaken. In particular, Gazdzinski, at col. 3, lines 19-43, discloses that the control system of the elevator includes a network interface for enabling access to a variety of websites of interest to provide, e.g., local weather, directions from the elevator to local points of interest, stock mark quotations, etc., and that the control system may include data terminals compatible with personal electronic devices allowing the occupant to download a

predetermined or adaptively determined "package" of data for later retrieval or use. It appears that the Examiner is equating the personal electronic devices with the MRL as claimed, and the websites with the resource base having resources.

At col. 4, lines 5-20, Gazdzinski describes the RFID aspect of the "Smart" elevator system. As specifically described therein, the function of the RFID aspect is merely to identify the user of the elevator system and to restrict his/her use to specific floors, and to structure the downloading of data from the personal electronic devices. There is no disclosure of any generation of queries or searching being performed by the system in response to data from the RFID. Rather, Gazdzinski merely states that the information in the RFID is used.

While col. 9, lines 45-67 and col. 10, lines 1-12, describe searching based on a query function, Appellant submits that this is not related to data read from the RFID. Rather, as describe at the beginning of the paragraph to which the cited col. 9 section relates, i.e., col. 8, line 29 et seq., "Upon entering the elevator, the user initiates the "Building Directory" function of the system by pressing a function key 122 on the keypad 116 or touch display 113...The user may then speak the specific name of the party they wish to find, or select the name using the touch display 113 or other input device...." Hence, the searching and/or

query function is related to either verbal commands or keyboard entries by the user.

Appellant submits that the Examiner has taken this disclosure in Gazdzinski out of context, i.e., picked out different unrelated functions described in Gazdzinski in an attempt to show the elements in the claimed invention. However, again, these function are unrelated and do not interact with each other.

Appellant therefore submits that Gazdzinski in view of "Official Notice" neither discloses nor suggests "generate a query for use in searching said resource base responsive to said MRL data" nor any of the other query-related limitations as specifically recited in claims 1, 6 and 16.

B. Claim 16

Claim 16 includes the limitations "scanning an MRL associated with a first object with an MRL reader associated with a second object", "matching resources from a resource base based on a result of said step of scanning", and "when a result of said step of scanning indicates a poor match, outputting to a user-interface, a message suggesting to a user to use a different one of said first and second objects".

With regard to the first limitation indicated above, it appears that Gazdzinski discloses scanning an MRL associated with a first object (a person) with an MRL reader associated with a second

object (an elevator). However, with regard to the limitation "when a result of said step of scanning indicates a poor match, outputting to a user-interface, a message suggesting to a user to use a different one of said first and second objects", the Examiner reverts to the above cited portions of Gazdzinski, i.e., col. 9, lines 46-65, col. 3, lines 19-43, col. 4, lines 5-20, and col. 10, lines 1-12.

Applicant submits that there is no disclosure or suggestion in Gazdzinski that resources should be matched from a resource base based on a result of the scanning of the MRL, simply be cause Gazdzinski neither discloses or suggests searching of any form based on the data scanned from the MRL. Further, Applicant submits that there is no disclosure or suggestion in Gazdzinski that in the event of a "poor match", a message should given to the user to user a different first object (another person?) and a different second object (another elevator?).

Applicant stresses that in Gazdzinski, the function of the RFID aspect is merely to identify the user of the elevator system and to restrict his/her use to specific floors, and to structure the downloading of data from the personal electronic devices (col. 4, lines 5-20.

C. Claim 17

Claim 17 includes the limitations "scanning an MRL associated with a first object with an MRL reader associated with a second object", "matching resources from a resource base based on identifiers corresponding to said first and second objects resulting from said step of scanning", and "when a result of said step of scanning indicates a poor match, outputting to a user-interface, identifying a resource matching resources from a resource base based on identifiers corresponding to only one of said first and second objects resulting from said step of scanning".

As indicated above, since Gazdzinski neither discloses or suggests matching resources from a resource base based on a result (i.e., identifiers corresponding to said first and second objects) of the scanning of the MRL, there cannot be any disclosure in Gazdzinski of "identifying a resource matching resources from a resource base based on identifiers corresponding to only one of said first and second objects resulting from said step of scanning".

Based on the above arguments, Appellant believes that the subject invention is not rendered obvious by the prior art and is patentable thereover. Therefore, Appellant respectfully requests that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by 
Edward W. Goodman, Reg. 28,613
Attorney

(viii) Claims AppendixCLAIMS ON APPEAL

1. (Previously Presented) A system for identifying and selecting at least one data resource in a data store, said system comprising:
 - a machine-readable label (MRL) reader with a user interface for reading MRL data from an MRL;
 - 5 a resource base having resources; and
 - at least one processor connected to said MRL reader for receiving MRL data from said MRL, and for controlling and receiving data from said user interface;
 - 10 said at least one processor being programmed to generate a query for use in searching said resource base responsively to said MRL data;
 - 15 said at least one processor being programmed to generate a query to identify at least one resource matching said query and determine a confidence level of said matching; and
 - said at least one processor being programmed such that when said confidence level is lower than a predetermined confidence level, said at least one processor receives input from said user interface defining a new resource and stores said new resource in said resource base or another resource base,

20 wherein said at least one processor is programmed such that when
said confidence level is lower than said predetermined confidence
level, said at least one processor identifies a resource not
matching said query by substituting a term in said query that
identifies one of an object associated with said reader, an object
25 associated with an MRL, or another term and searches responsively
to said query for a resource and, upon finding said resource,
generates an output responsive thereto.

2. (Previously Presented) The system as claimed in claim 1,
wherein said MRL includes a radio transponder or transmitter.

3. (Previously Presented) The system as claimed in claim 1,
wherein:

5 said at least one processor is programmed such that when
said confidence level is higher than said predetermined confidence
level, said at least one processor receives input from said user
interface indicating a desirability of said at least one resource
to said user and to update a preference data store responsively to
said input.

4. (Cancelled).

5. (Previously Presented) The system as claimed in claim 4, wherein said term is a term characterizing said object associated with said reader.

6. (Previously Presented) A system for identifying and selecting at least one data resource in a data store, said system comprising:

 a machine-readable label (MRL) reader with a user interface for reading MRL data from an MRL;

5 a resource base having resources; and

 at least one processor connected to said MRL reader for receiving MRL data from said MRL, and for controlling and receiving data from said user interface;

10 said at least one processor being programmed to generate a query for use in searching said resource base responsively to said MRL data;

 said at least one processor being programmed to generate a query to identify at least one resource matching said query and determine a confidence level of said matching; and

15 said at least one processor being programmed such that when said confidence level is lower than a predetermined confidence level, said at least one processor identifies a resource not matching said query by substituting a term in said query that identifies one of an object associated with said reader, an object associated with an MRL, or another term and searches responsively

to said query for a resource and, upon finding said resource, generates an output responsive thereto.

7. (Previously Presented) The system as claimed in claim 6, wherein said MRL includes a radio transponder or transmitter.

8. (Previously Presented) The system as claimed in claim 6, wherein:

5 said at least one processor is programmed such that when said confidence level is higher than said predetermined confidence level, said at least one processor receives input from said user interface indicating a desirability of said at least one resource to said user and to update a preference data store responsively to said input.

9. (Previously Presented) The system as claimed in claim 6, wherein said MRL reader is programmed such that when said confidence level is lower than said predetermined confidence level, said at least one processor receives input from said user interface 5 defining a new resource, and stores said new resource in said resource base or another resource base.

10. (Previously Presented) The system as claimed in claim 9, wherein said term is a term characterizing said object associated with said reader.

11. (Previously Presented) The system as claimed in claim 6, wherein said MRL reader is programmed such that when said confidence level is lower than said predetermined confidence level, said at least one processor identifies a generic resource
5 responsive to said object associated with an MRL.

12. (Previously Presented) The system as claimed in claim 11, wherein said MRL reader is programmed such that when said confidence level is lower than said predetermined confidence level, said at least one processor receives input from said user interface
5 defining a new resource, and stores said new resource in said resource base or another resource base.

13. (Previously Presented) A method of identifying a resource in a resource base, said method comprising the steps of:
receiving machine-readable label (MRL) data from a MRL device;
5 generating a first query having multiple terms including one responsive to said MRL data;

using said first query to identify at least one resource in a resource base and generate a confidence level of a match between said first query and said at least one resource;

10 when said confidence level is lower than a predetermined level, generating a second query in which another term is substituted for one of said multiple terms and using said second query to identify at least one further resource in said resource base and generate a further confidence level of a match between
15 said second query and said at least one further resource and if said further confidence level is higher than said predetermined level or another predetermined level, generating a message responsive to said resource on a user interface.

14. (Previously Presented) The method as claimed in claim 13, wherein said message suggests to a user that the user use a different one of an object associated with a reader and an object associated with an MRL.

15. (Previously Presented) The method as claimed in claim 13, wherein said method further comprises the steps of:

when said further confidence level is lower than said predetermined level or another predetermined level, identifying a
5 generic response using a third query with fewer terms than said first query or second queries.

16. (Previously Presented) A method of identifying a resource from a machine-readable label (MRL) reader, said method comprising the steps of:

scanning an MRL associated with a first object with an MRL

5 reader associated with a second object;

matching resources from a resource base based on a result of said step of scanning; and

when a result of said step of scanning indicates a poor match, outputting to a user-interface, a message suggesting to a
10 user to use a different one of said first and second objects.

17. (Previously Presented) A method of identifying a resource from a machine-readable label (MRL) reader, said method comprising the steps of:

scanning an MRL associated with a first object with an MRL

5 reader associated with a second object;

matching resources from a resource base based on identifiers corresponding to said first and second objects resulting from said step of scanning; and

when a result of said step of scanning indicates a poor
10 match, outputting to a user-interface, identifying a resource matching resources from a resource base based on identifiers

corresponding to only one of said first and second objects resulting from said step of scanning.

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c) (1) (ii) of 37 C.F.R. 41.37.